

1. DOCUMENTS RECEIVED  
PCT/US 02/03808  
RECEIVED 20 JUN 2002

**PATENT COOPERATION TREATY**

**POWER OF ATTORNEY**

The undersigned applicants hereby appoint, individually and collectively,

**FOLEY & LARDNER**

and

Wesley B. Ames	Reg. No. 40,893
Andrew Edward Granston	Reg. No. 38,473
Stephen E. Reiter	Reg. No. 31,192
Stacy L. Taylor	Reg. No. 34,842
Richard J. Warburg	Reg. No. 32,372
Michael A. Whittaker	Reg. No. 46,230
Barry S. Wilson	Reg. No. 39,431

attorneys-at-law at 11250 El Camino Real, Suite 200, San Diego, California 92130, mailing address P. O. Box 80278, San Diego, California 92138-0278; telephone +1-858-847-6700 to represent the undersigned before all the competent International Authorities in connection with the international application identified below:

Title of invention: ACTIVITY BASED PROBE ANALYSIS

International App. No. PCT/US02/03808

Int'l Filing Date: 05 February 2002

Priority Date: 05 February 2001

Agent's file reference: 063391-0203

ACTIVX BIOSCIENCES, INC.

Name: Nancy K DFLK

Title: VP & General Counsel

Date: June 18, 2002

Matthew P. PATRICELLI

Date:

6/18/02

PCT/US 02/03808  
R01/SC 20 JUN 2002

Agent's Ref: 063391-0203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
AS RECEIVING OFFICE FOR PCT

In the PCT application of:

ACTIVX BIOSCIENCES, INC.

International Application No.: PCT/US02/03808

International Filing Date: 05 February 2002

Title: ACTIVITY BASED PROBE ANALYSIS

ASSOCIATE POWER OF ATTORNEY

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney of record in the above-identified patent application hereby appoints **Nancy K. Dahl, Registration No. 33,671**, of ActivX Biosciences, Inc., 11025 N. Torrey Pines Road, La Jolla, California 92037, United States of America, as associate attorney in said application to have full power to prosecute this application and any continuations, divisions, reexaminations, and reissues thereof, to receive any issued patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

Respectfully submitted,

Date 20 June 2002 By *Michael A. Whittaker*

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6721  
Facsimile: (858) 792-6773

Michael A. Whittaker  
Registration No. 46,230

101049164  
Rec'd POT/PTG 21 OCT 2002

Atty. Dkt. No. 063391-0202

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Matthew P. Patricelli  
Title: ACTIVITY BASED PROBE ANALYSIS  
Appl. No.: 10/049,164  
Filing Date: February 6, 2001  
Examiner: Unknown  
Art Unit: Unknown

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<u>LIVE GAUTHIER</u> (Printed Name)	
 (Signature)	
October 16, 2002 (Date of Deposit)	

**ASSOCIATE POWER OF ATTORNEY**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney of record in the above-identified patent application hereby appoints **Nancy K. Dahl, Registration No. 33,671**, of ActivX Bioscience, Inc., 11025 N. Torrey Pines Road, La Jolla, CA 92037, as associate attorney in said application to have full power to prosecute this application and any continuations, divisions, reexaminations, and reissues thereof, to receive any issued patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

Respectfully submitted,

Date June 3, 2002

By



Michael A. Whittaker  
Attorney for Applicant  
Registration No. 46,230

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161049164  
Attorney Docket No. 063391-0202

Rec'd PCT/APTC, 21 OCT 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Filed Matthew P. Patricelli  
Under 35 U.S.C. 371  
  
International App. No. PCT/US02/03808  
  
International Filing February 5, 2002  
Date:  
  
Title: ACTIVITY BASED PROBE ANALYSIS  
  
Attorney Docket No. 063391-0202

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR UNDER RULE 37 CFR § 3.71**

The undersigned, Nancy K. Dahl, is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, ACTIVX BIOSCIENCES, INC.

I HEREBY APPOINT the registered attorneys and agents at Customer Number 30542



30542

PATENT TRADEMARK OFFICE

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor and his attorney in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

**ACTIVX BIOSCIENCES, INC.** per 37 C.F.R. § 3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersigned's knowledge and belief, title is in the assignee seeking this action.

**ACTIVX BIOSCIENCES, INC.** declares that 100% ownership is established by the assignment filed for recordation herewith, a copy of which is attached.

I request that all correspondence be directed to:

Richard J. Warburg  
FOLEY & LARDNER  
Customer Number: 30542



30542

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6700  
Facsimile: (858) 792-6773

ASSIGNEE: ACTIVX BIOSCIENCES, INC.

Signature: Nancy K. Dahl  
Typed Name: NANCY K. DAHL  
Title: VP + General Counsel  
Address: 11025 N. Torrey Pines Road  
La Jolla, CA 92037

Date: 8/19/02

**DECLARATION**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ACTIVITY BASED PROBE ANALYSIS**

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(Attorney Docket No. 063391-0202)

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the specification of which (check one)

is attached hereto.

was filed on 02/06/2002 as United States Application Number 10/049,164 based on PCT International Application Number PCT/US02/03808 and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
PCT/US02/03808	PCT	02/05/2002	YES	

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

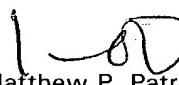
U.S. Provisional Application Number	Filing Date
60/266,687	02/05/2001
60/339,424	12/11/2001

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor

  
Matthew P. Patricelli

Residence

  
San Diego, CA

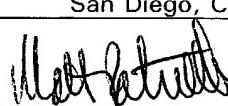
Citizenship

USA

Post Office Address

3004 Comstock Street  
San Diego, CA 92111

Inventor's signature



Date

8/30/02